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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS MUSCHITZ,

No. C-06-1171 MMC

Plaintiff,

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

v.

ELI LILLY AND COMPANY,

Defendant.

/

Before the Court is plaintiff's Case Management Conference Statement, filed May 9, 2006, by which plaintiff seeks to continue the May 19, 2006 case management conference in the instant action by approximately 120 days. Plaintiff states a continuance is necessary because he anticipates the instant action will be transferred for inclusion in MDL No. 1596, In re Zyprexa Products Liability Litigation, and because he has not yet served the defendant. Because the instant action was filed February 17, 2006, the 120-day deadline for plaintiff to serve defendant, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, has not yet elapsed.

Accordingly, for good cause shown, the May 19, 2006 case management conference is hereby continued to September 29, 2006 at 10:30 a.m. A joint case

1 management statement shall be filed no later than September 22, 2006. The deadline to
2 serve the defendant, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure,
3 remains in effect.

4 **IT IS SO ORDERED.**

5 Dated: May 10, 2006

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

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